

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GARY CHARLES GERLACH	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 15-6015
COMMONWEALTH OF PENNSYLVANIA, et al	:	
	:	

ORDER

AND NOW, this 25th day of May 2016, upon careful consideration of Mr. Gerlach's Petition for Writ of Habeas Corpus (ECF Doc. No. 1), the May 6, 2016 Report and Recommendation of United States Magistrate Judge Wells (ECF Doc. No. 8) and Petitioner's Response (ECF Doc. No. 9), and finding Petitioner's challenges to Judge Wells' Report and Recommendation are based solely on reasons he may not have timely filed papers in the state courts due to error in reporting of his inmate State I.D. number until July 16, 2014 but not addressing Judge Wells' finding his Petition lacks new reliable evidence of actual innocence and has instead admitted killing both victims eliminating the possibility of actual innocence precluding his claims being reviewed on the merits¹, it is **ORDERED**:

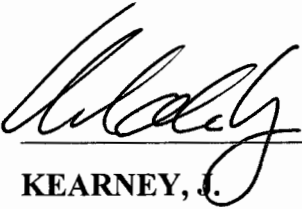
1. Judge Wells' May 6, 2016 Report and Recommendation (ECF Doc. No. 8) is **APPROVED AND ADOPTED**;

2. Mr. Gerlach's Petition for Writ of Habeas Corpus (ECF Doc. No. 1) is **DISMISSED**;

3. There is no probable cause to issue a certificate of appealability; and

¹ See *Schlup v. Delo*, 513 U.S. 298, 316-17, 324 (1995)

4. The Clerk of Court shall mark this case **closed** for statistical purposes.



KEARNEY, J.